

Message

From: Wade, Alexis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]
Sent: 10/7/2019 7:11:31 PM
To: Nalven, Heidi [nalven.heid@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
CC: Kupchan, Simma [Kupchan.Simma@epa.gov]
Subject: FW: Cooling Water Intake Rule - ESA - CORRECTED

Making sure you see this. not sure how the Silva memo piece fits in now...

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, October 07, 2019 2:58 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Witt, Richard <Witt.Richard@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Alexis has pulled together all the relevant information. My intent is to put a brief cover note on it and forward to John. As you all may have heard, I spoke with Dave and

Ex. 5 Deliberative Process (DP)

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My plan would be to send my email to John, but copy Deborah, Rob, Andrew and Sally as this cuts across all 3 offices. John per your discussion with marcus you told me about,

Ex. 5 Deliberative Process (DP)

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I will send

my note sometime this afternoon.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Monday, October 7, 2019 10:17 AM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Good morning,

I don't think that there is anything the OW front office needs from you at this point. I was sharing the

Ex. 5 Deliberative Process (DP)

I think page 64 of the Bi Op and my response gives them what they need.

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Sent: Monday, October 07, 2019 10:01 AM
To: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: FW: Cooling Water Intake Rule - ESA - CORRECTED

Good Morning Mary Ellen:

We have not formally met although we have been in meetings.
I'm the new associate division director in WPD.
I see that you have already responded.
Is there anything you need from us?
Please let me know.
Thanks

Maria A. Lopez Carbo
Associate Division Director
Water Permits Division
Office of Wastewater Management
202.564.4618

From: Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Sent: Monday, October 7, 2019 9:55 AM
To: Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>
Cc: Sylvester, Francis <Sylvester.Francis@epa.gov>; Farris, Erika D. <Farris.Erika@epa.gov>
Subject: Fwd: Cooling Water Intake Rule - ESA - CORRECTED

FYI

Sent from my iPhone

Begin forwarded message:

From: "Levine, MaryEllen" <>
To: "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>,

"Fotouhi, David" <Fotouhi.David@epa.gov>, "Sawyers, Andrew" <Sawyers.Andrew@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Scozzafava, MichaelE" <Scozzafava.MichaelE@epa.gov>

Cc: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Aguirre, Janita" <Aguirre.Janita@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>

Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Ex. 5 Attorney Client (AC)

- Mary Ellen

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

-----Original Message-----

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, October 07, 2019 8:48 AM
To: Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

I hit send of note below before I was done. Fixed the message below and added Alexis and Mary Ellen

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

-----Original Message-----

From: Neugeboren, Steven
Sent: Monday, October 7, 2019 8:47 AM
To: Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Sawyers, Andrew

<Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA

I think the lead for this would either be OST (who conducted the consultation and promulgated the rule) or OWM (who is implementing the rule), but your staffs can reach out to Alexis for support, as she is very familiar with the record.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Monday, October 7, 2019 8:39 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: Re: Cooling Water Intake Rule - ESA

Adding Steve.

Sent from my iPad

On Oct 7, 2019, at 8:38 AM, Ross, David P <ross.davidp@epa.gov> wrote:

Confidential; Deliberative

I'm currently evaluating a 404(g) state assumption proposal from Florida and Arizona and how to address ESA issues in state-assumed permitting. The proposal mentions the ESA process for the cooling water intake rule as a potential model. Could someone pull together the ESA-based components of that rulemaking for me, such as targeted discussion in the preamble, RTC, Bi-Op, etc. I'm not sure if this is an OGC or OWM assignment, so please work together to figure out the most efficient way to get a packet together.

Thanks!

Dave

Sent from my iPad